

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 7 and 15-30 are pending. Of these pending claims, the Examiner withdrew claims 15-30 from consideration. Thus, claim 7 is currently being considered by the Examiner.

INTERVIEW CONDUCTED

Applicant thanks the Examiner for conducting an interview with the Applicant's representative on October 19, 2004. During the interview, the Examiner indicated that the Applicant's position (reiterated below for the Examiner's convenience) appears to be reasonable. The Examiner requested that a formal Reply be filed so that he may further consider the issues.

ELECTION/RESTRICTION NOT PROPER

Applicant maintains that the Examiner's withdrawal of claims 15-30 is improper as indicated in previous replies. *See March 17, 2004 Reply; September 3, 2004 Reply.* Applicant respectfully requests that all pending claims be examined on the merits in the present application.

§ 103 REJECTION – ALPEROVICH, NIWA

Applicant maintains that claim 7 is distinguishable over the combination of Alperovich et al. (USPN 6,317,609, hereinafter “Alperovich”) and Niwa (USPN 6,538,692). *See March 17, 2004 Reply; September 3, 2004 Reply.*

As demonstrated during the interview, the combination of Alperovich and Niwa cannot be relied upon to teach or suggest of a portable telephone set, comprising “judgment means for judging whether or not the data amount of the image data to be received by said second receiving means is not more than the amount of data which can be stored in said second image processor, said second receiving means receiving the image data when it is judged that the data amount of the image data to be received by said second receiving means is not more than the amount of data which can be stored in said second image processor.”

Emphasis added.

In other words, it is the telephone set that includes the judgment means. For example, with reference to Figure 1 of the present invention, it is the telephone set 40A which determines whether or not camera 1A has enough storage to store image data received from the network. If the portable telephone set 40A determines that the camera 1A does have enough storage space, then telephone set 40A receives the data from the network.

The combination of Alperovich and Niwa cannot be relied upon to teach or suggest this feature. In the Office Actions, the Examiner relied upon Niwa to

teach or suggest the feature as recited above. This reliance on Niwa is misplaced for at least the following reasons. First, it is noted that there is no telephone set of any kind disclosed in Niwa.

Second, and more importantly, the purported judgment means equivalent is, in fact, not equivalent at all. At best, Niwa discloses redirecting data to another memory if it is judged that the amount of space available in one memory is insufficient. Niwa states in column 2, lines 6-10 "It is an object of the present invention to provide a data storage control method and system that prevent a situation in which recording is interrupted because an external medium becomes full before all intended data is recorded."

Niwa solves the problem by redirecting the memory. More specifically, Niwa states "comparing an amount of free space on the external recording medium with an amount of data to be stored next; storing data on the external recording medium if the amount of free space is larger than the amount of data; and storing data in the internal storage means if the amount of free space is insufficient." So in Niwa, the solution is redirecting data to alternate memory when there is insufficient space in the primary memory. Clearly, this cannot teach or suggest the judgment means as recited above.

For at least the above stated reasons, Niwa cannot be relied upon to teach or suggest the judgment means as recited above.

Also as discussed during the interview, it should be noted that even the inclusion of Alperovich would not correct the deficiencies discussed above. Niwa is directed toward dynamic data storage control method and system which includes compression modules, memories, and controllers to control the memory space usage. In Alperovich, only the digital camera 300 includes circuits and memories. *See Figure 3 of Alperovich.* Thus, combining Niwa and Alperovich would at best modify the camera but would leave the mobile station 20 as is, without change, to act as a mere conduit to transfer data to and from the camera 300.

For at least the reasons stated above, claim 7 is distinguishable from the combination of Alperovich and Niwa. Applicant respectfully requests that the rejection of claim 7, based on Alperovich and Niwa, be withdrawn.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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